

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS PAUL HAGGIE,)	
Petitioner,)	Civil Action No. 13-320 Erie
)	
v.)	District Judge Nora Barry Fischer
)	Magistrate Judge Susan Paradise Baxter
BRIAN COLEMAN, <u>et al.</u> ,)	
Respondents.)	

MEMORANDUM ORDER

This habeas action filed by state inmate Thomas Paul Haggie was referred to United States Magistrate Judge Susan Paradise Baxter for a report and recommendation in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Local Rules for Magistrate Judges. In 2010, Haggie pleaded guilty in the Court of Common Pleas of McKean County to murder of the first degree for killing Megan Konopka. She was approximately 39 weeks pregnant when Haggie murdered her, and he also pleaded guilty to murdering her unborn child. The Court of Common Pleas sentenced him to two consecutive terms of life imprisonment without the possibility of parole. In the petition for a writ of habeas corpus that he filed with this Court, Haggie challenges the validity of his judgment of sentence and in support raises 11 grounds for relief.

On October 6, 2014, the Magistrate Judge issued a Report and Recommendation ("R&R") [ECF No. 23], in which she recommended that Haggie's petition for a writ of habeas corpus be denied and that a certificate of appealability be denied. On October 20, 2014, Haggie filed Objections [ECF No. 23] to the R&R, to which the District Attorney of McKean County filed a Response [ECF No. 26].

Where, as here, objections have been filed, the Court is required to make a *de novo* determination as to those portions of the R&R to which objections were made. See 28 U.S.C. § 636(b)(1). Accordingly, this Court has carefully examined *de novo* all claims raised by Haggie in his Objections and agrees with the Magistrate Judge that his petition for a writ of habeas corpus should be denied and that he is not entitled to a certificate of appealability on any of his claims. Haggie's Objections are overruled and the Court approves and adopts the R&R as supplemented herein. The Court supplements the R&R only to add that, contrary to the contention that Haggie makes in his Objections, the Magistrate Judge did not err when she directed the Clerk of Court to add the District Attorney of McKean County as a Respondent to this action. The Magistrate Judge's directive was in accordance with Rule 2254(B)(1) of the Local Rules of the United States District Court for the Western District of Pennsylvania, which expressly requires that, in addition to naming as respondent the state officer who has custody over him or her (*i.e.*, the warden or superintendent), a habeas petitioner in a § 2254 case "must also name as a respondent the District Attorney of the county in which he or she was convicted and sentenced."

Accordingly, this 6th day of **November, 2014**, it is hereby **ORDERED** that following a *de novo* review of the pleadings and record in this case, the Report and Recommendation by the Magistrate Judge is adopted as the Opinion of this Court, as supplemented herein. Haggie's petition for a writ of habeas corpus is **DENIED**. He is not entitled to a certificate of appealability on any of his claims. The Clerk of Court shall mark this case **CLOSED**.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Court Judge
Western District of Pennsylvania

cc/ecf: Magistrate Judge Susan P. Baxter

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